

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DAN MEAD and JENNIFER MEAD,

Plaintiffs,

v.

**ROCKFORD PUBLIC SCHOOL
DISTRICT; ROCKFORD PUBLIC
SCHOOLS' BOARD OF
EDUCATION,**

Defendants.

Case No. 1:23-cv-01313

Honorable Paul L. Maloney

Magistrate Judge Ray Kent

**PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY IN
OPPOSITION TO DEFENDANTS' MOTION TO DISMISS**

Plaintiffs Dan and Jennifer Mead notify this Court of supplemental authority—a recent order denying the motion to dismiss the amended complaint in *Mirabelli v. Olson*, No. 3:23-cv-0768-BEN (VET), 2025 WL 42507 (S.D. Cal. Jan. 7, 2025). The *Mirabelli* plaintiffs include parents who, like the Meads, “allege that they asked questions about their child and schoolteachers and administrators intentionally deceived them and did not disclose the truth about their child’s gender incongruence.” *Id.* at *3. Like the Meads, those parents raised fundamental parental rights and free-exercise claims, which the *Mirabelli* court recently refused to dismiss. *Id.* at *10-11. (See, e.g., Compl. ¶¶ 154-65, ECF No. 1 PageID.22-23.) And like Rockford, the *Mirabelli* defendants argued “that ‘parents do not have a constitutional right to be informed of their child’s transgender identity.’” 2025 WL 42507, at *10. (See ECF No. 13 PageID.95 (arguing that parents have no right “to be affirmatively informed”).) The court rejected that argument and said it “require[d] the suspension of disbelief.” 2025 WL 42507, at *10.

Relying on many of the same cases cited by the Meads, *Mirabelli* emphasized that the parents' claims there implicated "some of America's oldest foundational rights." *Id.* (citing, among others, *Parham v. J.R.*, 442 U.S. 584, 602 (1979)). (See, e.g., ECF No. 21 PageID.144-45 (Meads' discussion of *Parham*).) And it specifically recognized that gender incongruity was "a matter of health ... over which parents have the highest right and duty of care." 2025 WL 42507, at *10. So it concluded that parents "have a constitutional right to be accurately informed by public school teachers about their student's gender incongruity" and denied the motion to dismiss the parents' fundamental parental rights claim, among other claims. *Id.* at *10-11.

The *Mirabelli* order is consistent with Sixth Circuit precedent that "[p]arents possess a fundamental right to make decisions concerning the medical care of their children." *Kanuszewski v. Mich. Dep't of Health & Hum. Servs.*, 927 F.3d 396, 418 (6th Cir. 2019). (See ECF No. 21 PageID.145-48 (applying *Kanuszewski*).) And it should be persuasive here. Because the Meads have also pleaded plausible claims that Rockford violated their fundamental rights, this Court should deny Rockford's motion to dismiss.

Dated: January 30, 2025

Respectfully submitted,

/s/ Katherine L. Anderson

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CERTIFICATE OF SERVICE

I certify that on January 30, 2025, I caused the foregoing document to be electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to counsel of record for all parties.

/s/ Katherine L. Anderson

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